

ORDINANCE 1603

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, DECLARING AN EMERGENCY AND ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR PERMITS OR APPROVALS FOR SINGLE-FAMILY DWELLINGS WITHIN THE NEIGHBORHOOD BUSINESS ZONE (NB), INTERCHANGE MIXED USE ZONE (IMU) AND WITHIN SPECIAL DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE

WHEREAS, the City of North Bend (“City”) was under a building moratorium from 1999 through 2009 because it did not have water capacity to support growth; and

WHEREAS, soon after the building moratorium was lifted, the City was affected by the great recession of 2009 through approximately 2012; and

WHEREAS, after more than a decade of stymied growth, the City has experienced a tremendous development boom over the last several years which has vested approximately 893 new housing units to the City since 2009; and

WHEREAS, the City Council is concerned about the effect of the rapid increase of single-family residences in the City and wishes to assess whether the City is growing consistent with the adopted vision for North Bend; and

WHEREAS, the City Council wishes to evaluate whether the mix of single-family and cottage housing within commercial zoning districts where such housing is currently allowed is consistent with the adopted vision of North Bend and compatible with the allowed commercial uses; and

WHEREAS, the City Council needs time to adequately evaluate recent development and currently vested projects to determine if the City’s current zoning regulations are producing a result that meets the community’s housing needs and is consistent with the Council’s vision; and

WHEREAS, the City Council is seeking to encourage diversity of housing stock and unique architectural design; and

WHEREAS, the City Council finds that individual property owners seeking a building permit for one home on an existing lot furthers the above-stated objective of the Council,

but that the creation of multiple new lots through the subdivision process, and the likely construction by a single builder or developer of numerous similar structures within such subdivisions, does not strengthen the architectural variety of the housing stock offered within the City of North Bend; and

WHEREAS, the City Council finds that the vesting of additional permit applications for single-family dwellings within the zoning districts subject to this moratorium without an analysis of the effects of recently completed and currently vested residential development projects would be detrimental to public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact: The City Council adopts as findings of fact the recitals set forth above, which are incorporated herein by reference.

Section 2. Moratorium Established: Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a moratorium is hereby imposed in the City of North Bend upon the acceptance of applications for land use permits, development permits, building permits, conditional use permits, special use permits, variances, and any other permits and approvals for new single-family dwellings, including single-family detached dwellings, designated manufactured homes, manufactured home parks, mobile homes, mobile home parks, and cottages (*see* Table of Permitted and Conditional Land Uses, NBMC 18.10.030-1.10 through -1.16), in the Neighborhood Business (NB) and Interchange Mixed Use (IMU) zoning districts and in all special districts as identified in NBMC 18.10.025.

Section 3. Exemptions: The moratorium imposed by Section 2 of this Ordinance shall not apply to the following:

- A. Overlay districts where the underlying property is zoned CLDR;
- B. Permits and approvals for a single building permit to construct one single-family detached dwelling and any permitted associated accessory dwelling units, on a single existing lot;
- C. Permits and approvals for churches, synagogues, and temples or for educational service uses; and
- D. Permits and approvals for additions or alterations to existing residential structures when such additions or alterations do not result in the creation of new residential units, and permits for structures replacing pre-existing residential structures destroyed by fire or other unintentional casualty.

Section 4. Referral to Mayor: The Mayor is requested to direct City Staff to prepare reports, memoranda, diagrams, drawings and other information summarizing the results and effect of recent development and the full scope of currently vested projects, and to prepare recommendations for code amendments, if any, necessary to guide future

development to achieve the City Council's vision and meet the housing needs of the community, for consideration by members of the public, members of the development community, the Planning Commission, and the City Council.

Section 5. Public Hearing: Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a public hearing and may adopt additional findings of fact regarding this moratorium within 60 days of the adoption of this Ordinance.

Section 6. Duration/Renewal: The moratorium imposed by this Ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 7. Severability: If any one or more section, subsection, or sentence of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

Section 8. Effective Date: This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1ST DAY OF NOVEMBER, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: November 9, 2016

Effective: November 1, 2016

Susie Oppedal, City Clerk